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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; CHANGING THE WAY AN ELECTION
MAY BE INITIATED IN A LOCAL OPTION DISTRICT ON WHETHER TO
ISSUE RESTAURANT LICENSES FOR THE SALE OF BEER AND WINE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6A-4 NMSA 1978 (being Laws 1981,
Chapter 39, Section 21) is amended to read:

"60-6A-4. RESTAURANT LICENSE. --

A. At any time after the effective date of the
Liquor Control Act, a local option district may approve the
issuance of restaurant licenses for the sale of beer and wine
by holding an election on that question pursuant to the
procedures set out in Section 60-5A-1 NMSA 1978. The
election also may be initiated by a resolution adopted by the
governing body of the local option district without a
petition from registered qualified electors having been
submitted.

B. After the approval of restaurant licenses by
the registered qualified electors of the local option
district and upon completion of all requirements in the
Liquor Control Act for the issuance of licenses, a restaurant
located or to be located within the local option district may
receive a restaurant license to sell, serve or allow the
consumption of beer and wine subject to the following

1 requirements and restrictions:

2 (1) the applicant shall submit evidence to
3 the department that he has a current valid food service
4 establishment permit;

5 (2) the applicant shall satisfy the director
6 that the primary source of revenue from the operation of the
7 restaurant will be derived from meals and not from the sale
8 of beer and wine;

9 (3) the director shall condition renewal
10 upon a requirement that no less than sixty percent of gross
11 receipts from the preceding twelve months' operation of the
12 licensed restaurant was derived from the sale of meals;

13 (4) upon application for renewal, the
14 licensee shall submit an annual report to the director
15 indicating the annual gross receipts from the sale of meals
16 and from beer and wine sales;

17 (5) restaurant licensees shall not sell beer
18 and wine for consumption off the licensed premises;

19 (6) all sales, services and consumption of
20 beer and wine authorized by a restaurant license shall cease
21 at the time meals sales and services cease or at 11:00 p.m.,
22 whichever time is earlier;

23 (7) if Sunday sales have been approved in
24 the local option district, a restaurant licensee may serve
25 beer and wine on Sundays until the time meals sales and

1 services cease or 11:00 p.m., whichever time is earlier; and

2 (8) a restaurant license shall not be
3 transferable from person to person or from one location to
4 another.

5 C. The provisions of Section 60-6A-18 NMSA 1978
6 shall not apply to restaurant licenses.

7 D. Nothing in this section shall prevent a
8 restaurant licensee from receiving other licenses pursuant to
9 the Liquor Control Act."

10 Section 2. EFFECTIVE DATE. -- The effective date of the
11 provisions of this act is July 1, 2003. _____

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